



Lamoine Board of Selectmen

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Minutes – November 5, 2020

Chair Kathleen Rybarz called the meeting to order at 7:00 PM.

Present were: Selectmen Nathan Mason, Robert Christie, Gary McFarland, S. Josephine Cooper and via Zoom, Kathleen Rybarz; Administrative Assistant Stu Marckoon, Glenn Crawford and Alan Moldawer, via Zoom but without audio.

Agenda Review – There was no addendum. Kathleen noted there was new material left for the board this evening.

Minutes – October 15, 2020 – Nathan moved to approve the minutes as written. Gary 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 11 – Selectmen had no questions regarding expenditure warrant 11 which was signed individually the week before in the amount of \$173,551.12.

Expenditure Warrant 12 – Selectmen signed expenditure warrant 12 in the amount of \$17,019.36.

Cash & Budget Reports – There were no questions regarding the written reports.

FY 2019/20 Final Budget Report – Stu reported that after several special town meetings, the town had met its budget. He said the auditors have the bookkeeping information and will be scheduling a time to come to the town office to look over the records.

Checking Account Reconciliation Review – Selectmen signed the statement expressing satisfaction with the reconciliation which had been sent via e-mail on November 2, 2020.

Meeting with Glenn Crawford re: Rezoning – Map 13, Lot 50 – Mr. Crawford said he purchased the former Saliba property three years ago which had been owned by George Bracy many years ago. He said it was working waterfront when Mr. Bracy owned it. Mr. Crawford said his son is a lobsterman and they would like to resume using the shorefront area as a working waterfront.

Mr. Crawford said he was working with the University of Maine and would like to put in a dock on the property. He said there is no working waterfront property in town except for the Seal Point area, and Lamoine State Park. Mr. Crawford said the only public access is at the State Park. He showed a picture from 1969 which showed the Bracy complex. He said their property was historically used as commercial waterfront. He said at one point the parcel was called Gilpatrick Point and locals traded with sailing vessels.

Mr. Crawford said he inquired about a classification change with the Board of Assessors. He said he also spoke with Planning Board Chair John Holt who advised him to go

directly to the Board of Selectmen, as they would be the proper body to put this before town meeting for a zoning change. He said that was why he was present this evening.

Jo said it would be up to the Selectmen to offer up a zoning change for approval by the town meeting. Kathleen asked if this would be open for public use. Mr. Crawford said it would be for his own use. He said he would like the ability to put in a dock and pull his boat in and out of the water from there. Kathleen asked if it might be open to any fisherman. Mr. Crawford said there has been some talk about starting a co-op. He said that's hard if there is no place to operate from. He said a few people in town are interested, and he might offer some fishermen access.

Nathan asked if there was a house on the lot. Mr. Crawford said the house is set back more than 250-feet from the shore, and a brief discussion followed regarding the home's location. Mr. Crawford said there used to be a rail system that Mr. Bracy used for hauling his boat to and from the water. He said the rails are still present, but he cannot do anything to repair it, as it is zoned residential. He said the rails were in tough shape. He said the Shoreland area is currently zoned as residential. He said there are still remnants of the historic waterfront operation.

Bob said the Selectboard needs to figure out what the process is. Stu said the Town Meeting would have to approve any zoning change, and the Selectmen would be responsible for putting the warrant article before the town. He said in larger communities where the municipal officers can amend zoning, this is referred to as spot zoning, and usually not met with much favor.

Mr. Crawford said the fishing community has no access to the shore other than through the state park. He said he did not plan to go into the commercial waterfront business. He said it would be helpful if there was a dock facility on his property. He said his son has to go to Southwest Harbor for his fishing business and can't fish out of Lamoine State Park from October to April because the State Park removes the floats.

Kathleen asked how long the Salibas owned the property. Mr. Crawford said he was not sure, but he knew Mr. Bracy owned the property in 1969. Kathleen asked how much area he was looking to re-zone. Mr. Crawford said about 3-acres. He said he has 850-feet of shorefront. Nathan asked if he was looking to rezone the entire parcel. Mr. Crawford said just shorefront area. He said he was barred from repairing the rail system because of the zone the lot is currently in. He said the Code Enforcement Officer (CEO) is unable to issue a permit. He said he would like to be able to pull his boat out of the water.

Jo asked if the Comprehensive Plan says anything in regard to encouraging working waterfront activity. Bob said the plan talks about having more public access. He said it talks about possibilities of the town purchasing public access, but this is private. Jo asked about the impact on natural resources. Bob said the Comprehensive Plan talks about what is good for the well-being of Lamoine. He said it is a guideline that looked at both commercial opportunities and current natural resources. He said it talks about what kind of small business could be supported by the community.

Mr. Crawford asked when the Seal Point area became classified as Commercial Fisheries and Maritime Activities. Stu said he suspected when the Shoreland Zoning Map was first developed. A discussion followed on how the first Shoreland Zone map was created. Mr. Crawford asked if the owners were grandfathered. Stu said grandfathering doesn't exist for something that exist – the map was developed and zoned in that area because of activity taking place there. He said when the town developed the Shoreland Zoning map, he suspects it was drawn to reflect current uses, and the use on the Saliba property was residential.

Bob recalled a proposal to construct a salmon farm on the property during the 1980s, which failed due to economic issues. He said the Salibas bought the property after that era. Jo asked why the change and whether the Crawford's residence is located in the proposed re-zoned area. Mr. Crawford said their house is not in the Shoreland Zone. Jo said she didn't see why the Board couldn't put this before the town.

Mr. Crawford said his motivation to buy the property was to guarantee shore access for his son. He said he suspects that in the next few years the State Park will become off limits for commercial fishing.

Stu suggested that Mr. Crawford make a proposal to the Planning Board which could make a recommendation to the Board of Selectmen. Mr. Crawford said he spoke with Planning Board Chair John Holt and discussed the working waterfront issue. He said having the property zoned that way would streamline any dock permitting issues.

Nathan said he was in favor of exploring the idea. He said having some historic use as a working waterfront as a guideline is one guideline. He said the concern is that a precedent is set when the town starts changing zoning. Mr. Crawford said that fishermen can still fish out of Lamoine State Park, but it's a labor intensive process. He said the state takes the floats out in the fall and they don't return until spring. Nathan said the town needs something if it wants more ocean type industries. He said there have been inquiries about Lamoine State Park. He told Mr. Crawford it would be useful for him to lay out how much property he would proposed to re-zone, the historic uses of his land, any photographs and the like. Mr. Crawford said he wants to return it to what it was like in 1969. He said it's tough now to lobster fish from Lamoine State Park and he's looking to ensure future access.

Kathleen asked if Mr. Crawford had talked with the other neighbors. Mr. Crawford said he only has two neighbors, and one is his wife's aunt, and the other is Lawrence Dunham. Kathleen asked about an uptick in boat activity by Mr. Crawford's property. A brief discussion followed.

Gary asked if Mr. Crawford was proposing to moor a boat there. Mr. Crawford said the town has no regulation over moorings outside the state park area. Stu said the Army Corps of Engineers is responsible for moorings outside of the town regulated area. Mr. Crawford said it would be nice to have a boat there. He said he wants to make it working waterfront area again. Jo said it's ironic that Lamoine is what it is because of its maritime history.

Mr. Crawford said that he was not looking for public access. He said if a dock were placed on the property, there would be some activity. Bob noted the history of the maritime industry in town, including a sardine factory at Lamoine Beach and several ships that were built here. He said that industry evaporated. He suggested that Mr. Crawford approach the Planning Board which can recommend to the Selectmen whether the zoning change should be put before the town meeting. Mr. Crawford said the Selectmen do not need permission from the Planning Board to place a zoning change before the town meeting, and Planning Board Chair, John Holt, had sent him directly to the Selectmen. Nathan said the Board would prefer some guidance from the Planning Board. Bob said the Town Meeting makes the ultimate decision. A brief discussion followed regarding the lobster industry.

Bob said he would be more comfortable having the Planning Board make a recommendation to the Board of Selectmen. Stu said that it might benefit Mr. Crawford to present a formal proposal to the Planning Board. Mr. Crawford asked whether he could still ask the Selectmen to present it to the town meeting if the Planning Board did not recommend a zoning change. Bob said the idea is to have a plan that the Planning Board could see. Mr. Crawford asked what the Selectmen would be looking for to convince them to put this before the town. Nathan said the historic property use and what Mr. Crawford planned on using the property for. Mr. Crawford said he is not trying to develop the property, he just wants to have the zoning change to do what they did before. He said he's looking for direction for future use.

Jo said to change the zoning, there should be a plan. Mr. Crawford said he agreed. He said it would be a nightmare to have spot zoning, as others would then come forward for spot changes. Nathan said zone changes are forever. Mr. Crawford said he could put in a dock now under the current zoning, but he doesn't want to – he would like to have the property zoned correctly. He said that would streamline a lot of things.

Kathleen said the benefit of having property assessed under the working waterfront program is a tax abatement. Mr. Crawford said that is an incentive as it would offset his substantial property tax bill. Nathan said that's a sticking point about spot zoning. Gary asked if Mr. Crawford could put together a proposal. Mr. Crawford said he could – he said he's still in an exploratory mode and wanted to know what the procedures are.

Nathan said Mr. Crawford would still need permits for any sort of commercial development. Mr. Crawford said that is correct. He said the Army Corps of Engineers and other agencies would have to grant permits. Stu said he would still recommend submitting a proposal to the Planning Board, as that board's approval would give good weight to the Board of Selectmen to present a zoning change to the Town Meeting. Bob said a package would be needed for the Planning Board. Stu said he suspects that Mr. Crawford's engineers could prepare that.

Mr. Crawford asked whether he could fix the existing rail system on the property. Nathan said existing structures can be repaired. Stu asked if the rail system was a conforming use. Mr. Crawford said he highly doubted it. A discussion followed regarding repairing non-conforming structures and it was suggested that the Code Enforcement Officer could be of some further assistance.

Code Enforcement – Moldawer Appeal – Stu reported that the Board of Appeals had upheld the appeal of Alan Moldawer in the latest matter regarding an allegedly too tall structure. He said he placed the draft of the Findings of Facts and Conclusions of Law in the Selectmen’s materials this evening. Mr. Moldawer was in attendance via Zoom, but his audio was not working. Kathleen said the Board of Selectmen was up to speed on the Appeals Board actions and appreciated Mr. Moldawer’s attendance.

Transfer Station Design – Bob asked if any of the Selectmen had been able to attend the meeting at the transfer station with Chip Reeves of CES. Stu said only he, transfer station manager Chris Meyer and Ken Smith were able to attend as it was kind of short notice. Mr. Reeves had informed the board that he would try to get an update for the next Selectmen’s meeting.

Road Maintenance Projects – Stu reported that he’d received estimates from three in-town contractors for a list of projects that the Board had previously approved. He said he’d compiled the estimates and that Jay and Perry Fowler was the low bidder on all. Gary moved to award the bid to the Fowlers. Nathan 2nd. **Vote in favor was 5-0.**

Appointments – Nathan moved to appoint Mary Henry to the Heating Assistance Committee. Gary 2nd. **Vote in favor was 5-0.**

Nathan moved to appoint Diana Novella as an alternate on the Recreation Committee. Gary 2nd. **Vote in favor was 5-0.**

Broadband Grant – Stu reported that he had prepared a \$5,000 grant application to the Island Institute to enhance the project currently under way to try to attract broadband service to un-served parts of Lamoine. Nathan moved to submit the application. Gary 2nd. **Vote in favor was 5-0.**

Kathleen offered to attend a meeting with the ConnectME Authority on Monday.

School Choice Week Proclamation – Stu reported the town had received a solicitation via e-mail to declare a week in January as School Choice week. Jo said in the past the board has not been eager to do such proclamations for outside groups. She said while it looks harmless she was not in favor. The board took no action on the request.

Transfer Station Hours – Stu said the transfer station would be closed on Christmas and New Year’s Days, and open from 12Noon to 5PM on the Mondays after both holidays. Selectmen had no objection.

Property Line Agreement – Nathan moved to sign a line agreement with Marion McDevitt that town attorney Daniel Pileggi had prepared. Gary 2nd. **Vote in favor was 5-0, Selectmen signed the agreement (Kathleen had signed prior to the meeting).**

Code Enforcement/Assessors Follow Up – Kathleen said Stu had prepared a memorandum following up from the October 15, 2020 meeting. Nathan said the process for handling complaints seemed to be well laid out. Stu said it puts on paper what the

practice should be. He said the purpose of the memo was to give a point to start for future discussion. Jo said the Board should meet with the CEO.

Election – Stu recapped the November 3, 2020 Election. He said the town had a record turnout, especially with absentee ballots. He said Election Day started with snow, and the “stick on” treads for the new ramp did not stick, and the ramp proved to be slippery later in the day when water started dripping from the roof and freezing on the surface. He said town clerk Jennifer Kovacs did a great job organizing the election and processing absentee ballots ahead of time was a great time saver. He said the crew was done by 9:15 PM.

Stu said the Democratic Party has sent a poll watcher who left in the middle of the day. He said there was also an observer from one of the parties during the counting process. A brief discussion on use of face coverings by voters followed.

Other Matters – Kathleen said her choice to attend the meeting via Zoom was because she will be visiting her grandchild soon and did not want her “bubble” to expand. She noted that a Selectman in the Town of Morrill had passed away due to COVID-19. A brief discussion followed on the state of the pandemic.

Budget 2021/22 – Selectmen reviewed the budgets that Stu had prepared for the November 16, 2020 Budget Committee meeting. There was discussion about expanding the hours for the Assistant Clerk, the future of the elected Board of Assessors and the cost of assessing, and health insurance. Stu noted that he expected the health insurance rates soon, and that he will soon be on the town’s insurance plan. The discussion on waste disposal revolved about the cost of recycling. The Code Enforcement Budget discussion was very brief – Stu noting that a slight increase was proposed for legal costs.

Other - Bob said he was in last Friday and saw the absentee processing and felt good about the town’s operations. Stu noted that Ellsworth Giant Sub kindly donated a platter of sandwiches for the poll workers.

Next meetings – The schedule of meetings were for the 1st and 3rd Thursdays of the month through February. There was no objection.

There being no further business, the meeting adjourned at 8:32 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen